



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 22 2013

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL 7009 1680 0000 7669 2533
RETURN RECEIPT REQUESTED

Mr. Brad Ahbe
President
Canton Drop Forge Inc.
4575 Southway Street Southwest
Canton, Ohio 44706

Re: Notice of Violation
Compliance Evaluation Inspection
EPA ID #: OHD004465142

Dear Mr. Ahbe:

On August 6-8, 2012, representatives of the U.S. Environmental Protection Agency inspected Canton Drop Forge Inc.'s facility ("CDF" or "facility") located in Canton, Ohio. The purpose of the inspection was to evaluate CDF's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., and its implementing regulations; specifically, the regulations governing the generation, treatment, storage, and disposal of hazardous waste and used oil. We have enclosed a copy of the inspection report and checklists for your reference.

Based on the observations of the inspector, information provided by CDF personnel, and a review of records, EPA finds that CDF is in violation of the requirements of the Used Oil Management Standards set forth in the Ohio Administrative Code (OAC) and the United States Code of Federal Regulations (CFR). Specifically, EPA finds that Canton Drop Forge failed to meet the requirements of a used oil generator, and has violated the following regulations:

1. Under the Used Oil Management Standards, containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." See OAC 3745-279-22(C)(1) [40 CFR § 279.22(c)(1)].

At the time of inspection, a tank collecting used oil from the Pond 2 rope skimmer and a tank acting as an oil/water separator south of Forge Shop Building C were not labeled or marked with the words "Used Oil." CDF, therefore, violated the aforementioned requirement of the Used Oil Management Standards. During the inspection, however,

CDF labeled or marked both tanks with the words "Used Oil." Thus, no further action is necessary to comply with this requirement at this time for these tanks.

2. Under the Used Oil Management Standards, used oil generators are prohibited from storing used oil in a surface impoundment, unless such unit is subject to OAC 3745-54 to 3745-57 and 3745-205 [40 CFR § 264 Subpart A-N and DD] or Chapters 3745-65 to 3745-69 and 3745-256 [40 CFR § 265 Subparts A-N and DD], and OAC 3745-270. See OAC 3745-279-22(A) [40 CFR § 279.22(a)].

Similarly, the Used Oil Management Standards prohibit managing used oil in a surface impoundment, unless such unit is subject to OAC 3745-54 to 3745-57 and 3745-205 [40 CFR § 264 Subpart A-N and DD] or OAC 3745-65 to 3745-69 and 3745-256 [40 CFR § 265 Subparts A-N and DD], and Chapter 3745-270. See OAC 3745-279-22(A) [40 CFR § 279.22(a)]. See OAC 3745-279-12(A) [40 CFR § 279.12(a)].

In other words, a used oil generator is prohibited from storing or managing used oil in a surface impoundment, unless, *inter alia*, it is operating the under a hazardous waste permit or is under interim status.

CDF manages and stores used oil in two surface impoundments, designated Ponds 1 and 2. CDF operates an oil/water separator south of Forge Shop Building C that receives wastewater containing used oil generated by the facility's forging operations. The separator removes and collects a portion of the used oil for offsite shipment. CDF then conveys the wastewater from the separator to Pond 2 and, during overflows, to Pond 1. At the time of inspection, both Ponds 1 and 2 contained layers of used oil floating on their surfaces and had used oil along their banks.

At the time of inspection, neither Pond 1 nor Pond 2 were operating under a hazardous waste permit or under interim status. CDF, therefore, is in violation of the aforementioned requirements of the Used Oil Management Standards by storing and managing used oil in the surface impoundments designated Pond 1 and 2.

3. A person who generates a waste must determine if that waste constitutes a hazardous waste. See OAC 3745-52-11 [40 CFR § 262.11]. The definition of "waste" includes, *inter alia*, any material that is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated. See OAC 3745-51-02(B)(3) [40 CFR § 261.2(b)(3)].

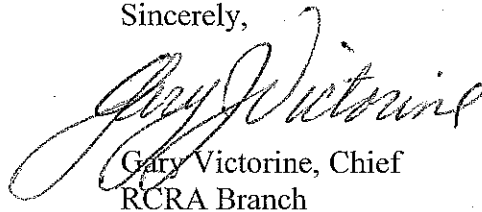
CDF generates waste on the bottom and sides of Ponds 1 and 2, resulting from the storage and management of used oil/wastewater in Ponds 1 and 2, by the mechanisms of precipitation, adsorption, accumulation, and/or concentration.

At the time of the inspection, CDF had not determined whether the waste on the bottom and sides of Pond 1 and 2 constituted hazardous waste. CDF, therefore, violated the above-mentioned hazardous waste determination requirement.

Under Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above conditions and requirements.

You should submit your response to Brian Kennedy, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Mr. Kennedy, of my staff, at (312) 353-4383.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Victorine".

Gary Victorine, Chief
RCRA Branch

Enclosures

cc: Natalie Oryshkewych, OEPA – Northeast District Office
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